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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,480	04/09/2008	Chul-Sik Yoon	1403-21 PCT US	8209
	7590 10/12/2014 L LAW FIRM, LLP	EXAMINER		
290 Broadhollo		SHEN, QUN		
Suite 210E Melville, NY 11	1747		ART UNIT	PAPER NUMBER
			2617	
			MAIL DATE	DELIVERY MODE
			10/12/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/588,480	YOON ET AL.	
Examiner	Art Unit	
QUN SHEN	2617	

The MAILING DATE of this communication appears on the cover sheet with the correspondence address − THE REPLY FILED 23 September 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. ■ The reply was fleed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To a word abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a hotice of Appeal (with appeal fee) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expiresmonths from the mailing date of the final rejection. b) The period for reply expiresmonths from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In nevent, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If Not is checked, check either box (a) rol.) CNIV CHECK SOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.138(g). The date on which the petition under 37 CFR 1.138(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of appeal was filed on		Q	UN SHEN	2617	
 1 ∑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, afficiant, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a)	7	The MAILING DATE of this communication appears	on the cover sheet with the	correspondence add	ress
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a) The period for reply expiresmonths from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: if box 1 is checked; check either box (a) or (b), ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRST REPLY WAS FILED WITHIN TWO WITHIN SO THE FIRST REPLY WAS FILED WITHIN TWO WITHIN SO THE FIRST REPLY WAS FILED WITHIN TWO WITHIN SO THE FIRST REPLY WAS FILED WITHIN TWO WITHIN SO THE FIRST REPLY WAS FILED WITHIN TWO WITHIN SO THE FIRST REPLY WAS FILED WITHIN TWO WITHIN SO THE FIRST REPLY WAS FILED WITHIN TWO WITHIN SO THE FIRST REPLY WAS FILED WITHIN TWO WITHIN SO THE FIRST REPLY WAS FILED WITHIN TWO WITHIN SO THE FIRST REPLY WAS FILED WITHIN TWO WITHIN SO THE FIRST REPLY WAS FILED WITHIN TWO WITHIN SO THE FIRST REPLY WAS FILED WITHIN TWO	1. X The replication The application for Cor	oly was filed after a final rejection, but prior to or on the ation, applicant must timely file one of the following rep ation in condition for allowance; (2) a Notice of Appeal ntinued Examination (RCE) in compliance with 37 CFR	e same day as filing a Notice of lies: (1) an amendment, affidav (with appeal fee) in compliance	Appeal. To avoid abar it, or other evidence, w with 37 CFR 41.31; or	hich places the (3) a Request
have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply point) set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL 2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: (See 37 CFR 1.116 and 41.33(a)). 4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. Applicant's reply has overcome the following rejection(s):	a)	e period for reply expiresmonths from the mailing da e period for reply expires on: (1) the mailing date of this Advis event, however, will the statutory period for reply expire later aminer Note: If box 1 is checked, check either box (a) or (b).	ory Action, or (2) the date set forth than SIX MONTHS from the mailir	ig date of the final rejection	n.
2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: (See 37 CFR 1.116 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s): 6. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) objected to: Claim(s) objected to: Claim(s) objected to: Claim(s) objected to: AFFIDAVIT OR OTHER EVIDENCE 8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented.	have been file under 37 CFR set forth in (b) may reduce al	d is the date for purposes of determining the period of extens 1.1.17(a) is calculated from: (1) the expiration date of the shor above, if checked. Any reply received by the Office later tha ny earned patent term adjustment. See 37 CFR 1.704(b).	ion and the corresponding amount tened statutory period for reply orig	of the fee. The appropria inally set in the final Office	ate extension fee e action; or (2) as
(a)	2. ☐ The No filing the Notice	otice of Appeal was filed on A brief in compliance Notice of Appeal (37 CFR 41.37(a)), or any extension of Appeal has been filed, any reply must be filed within	on thereof (37 CFR 41.37(e)), to	avoid dismissal of the	
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE:	(a) ☐ (b) ☐ (c) ☐	They raise new issues that would require further consider they raise the issue of new matter (see NOTE below); They are not deemed to place the application in better	leration and/or search (see NO	TE below);	
 Applicant's reply has overcome the following rejection(s): Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE ¶ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). ¶ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). ↑ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. ☑ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see continuation sheet. 	(d)	They present additional claims without canceling a corr NOTE: (See 37 CFR 1.116 and 41.33(a)).			
 7.	5. Applic	cant's reply has overcome the following rejection(s):	<u></u> .		
 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see continuation sheet. 	7. For pu how th The stance Claim(Claim(Claim(rposes of appeal, the proposed amendment(s): a) e new or amended claims would be rejected is provide atus of the claim(s) is (or will be) as follows: s) allowed: s) objected to: s) rejected: 1-16.		ill be entered and an ex	xplanation of
because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see continuation sheet.					
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see continuation sheet.	REQUEST F	OR RECONSIDERATION/OTHER		•	
12. Note the attached Information <i>Disclosure Statement</i> (s). (PTO/SB/08) Paper No(s) 13. Other:	<u>see c</u> 12.	ontinuation sheet. the attached Information <i>Disclosure Statement</i> (s). (PT		soridiaon foi dilowali	es bounds.
/Jinsong Hu/ Supervisory Patent Examiner, Art Unit 2617 /QUN SHEN/ Examiner, Art Unit 2617				,	

Continuation Sheet (PTO-303)

Application No.

Continuation of 11:

Applicant's arguments filed in after final remark on September 23, 2010 have been considered but are not persuasive and the previous rejection is maintained. Essentially, applicant argues that Pietraski and Cudak combined teachings do not address every limitation in claim 1 and other independent claims with equivalent features. As indicated in the previous actions, Pietraski teaches limitations a), c) and d). For limitation b) Cudak teaches channel quality information being included in the message to be sent to the base station.